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September 21, 2010

VIA TELECOPIER (212) 805-7912

The Honorable John G. Koeltl, United States District Judge  
United States District Court for the  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: Gregg Freishtat, As Shareholders Representative v. LivePerson, Inc.  
In the United States District Court for the Southern District of New York  
Civil Case No.: 07-CV-6838

Dear Judge Koeltl:

This letter is written on behalf of the Plaintiff in the above-captioned action to request Your Honor's permission to permit Mr. Robert Schweihs, one of Plaintiff's two designated expert witnesses, to testify at trial by telephone or other electronic means. The basis for this request is that when Plaintiff's counsel agreed to a trial date starting on October 18, 2010, we were mistaken in our understanding of Mr. Schweihs' availability for trial that week. Mr. Schweihs is unavailable to testify in person as he will be in France on a long-scheduled trip, departing October 10, 2010 and not returning to the United States until October 22, 2010.

We have discussed this matter with Mr. Curtis and Ms. Geraci, counsel for the Defendant, and they have kindly consented to the proposal that Mr. Schweihs testify by video/teleconference or other electronic means, subject of course to Your Honor's approval. If acceptable to the Court, we propose that Mr. Schweihs testify on Wednesday, October 20<sup>th</sup> at 9:00 A.M. It is anticipated that his testimony, both direct and cross, will be quite brief.

We respectfully request that Your Honor accept this correspondence as the Plaintiff's request for leave of Court to permit the video/telephone testimony of Mr. Schweihs as outlined above. If Your Honor requires that this request be made in the form of a Motion, or should Your Honor require anything further from counsel, we will promptly comply.

*Application granted. The parties should work out the logistics with Mr. Fletcher. For planning, the Court also advises the parties that it cannot sit on 10/22 but is prepared to continue on 10/25.*

*s.s. ordered.  
9/21/10 JRG/klp  
U.S.D.S.*

**FREISHTAT, MULLEN & DUBNOW, LLC**

The Honorable John G. Koeltl  
September 21, 2010  
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stacie F. Dubnow", with a long horizontal flourish extending to the right.

Stacie F. Dubnow  
(SD7011)

cc: Douglas F. Curtis, Esq. (via telecopier and mail)  
Justina L. Geraci, Esq. (via telecopier and mail)